

PATENT

Attorney Docket No.: A-68104/RMS/DHR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here application of:

FISHER et al.

Serial No.: 09/293,670

Filed: 16 April 1999

For: Multiparameter FACS Assays to  
Detect Alterations in Cellular Parameters  
and to Screen Small Molecule Libraries

Examiner: B. C. Sa

Group Art Unit: 1627

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed  
enclosures, is being deposited with the United States Postal  
Service as First Class Mail in an envelope addressed to:  
Assistant Commissioner for Patents, BOX SEQUENCE, P.O.  
Box 2327, Arlington, VA 22202  
on 29 May 2002

Signed: Gail Diehl  
Gail Diehl

**RESPONSE TO NOTICE TO COMPLY**

Assistant Commissioner for Patents  
BOX SEQUENCE  
P.O. Box 2327  
Arlington, VA 22202

Sir:

In response to the Notice to Comply mailed 29 April 2002, Applicant submits  
the following:

- 1) Substitute Specification;
- 2) Version with Markings to Show Changes Made in Specification;
- 3) Copy of Notice to Comply with Requirements for Patent Applications  
Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures
- 4) Return Post Card

This response is being filed timely and no fees are due. However, the  
Assistant Commissioner is hereby authorized to charge any necessary fees, including  
extension fees or other relief that may be required, or credit any overpayment, to Deposit  
Account 06-1300 (File A-68104/RMS/DHR).

Respectfully submitted,

Dorsey & Whitney LLP

Date: 5/29/02

By [Signature] (REG NO. 39,754)  
For: Robin M. Silva, Reg. No. 38,304  
submitted under 37 C.F.R. §1.34(a)

Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
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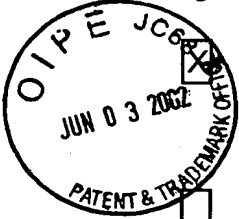
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**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Specification  
does not contain sequence identifiers \_\_\_\_\_

**Applicant Must Provide:**

An amendment inserting sequence identifiers in the specification (and drawings if appropriate) and state that the amendment does not introduce new matter. (*SUBSTITUTE SPEC NEEDED*)

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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